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EXAMINER

GREENHUT, CHARLES N

ART UNIT PAPER NUMBER

3652

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,414

Applicant(s)

TOMASSONI, GABE

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **I. Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 16-17 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 16 recites the phrase, “and the at least two lengthwise members such that the at least one cross member is in communication with the at least two length wise members” in line 2-3. It is unclear what is meant by this phrase.

1.2. Claim 16 recites a “first aperture” in line 1. This implies the existence of a second aperture, however, no second aperture is recited.

1.3. Claim 17 recites the limitation, “liquid sprayed through the first aperture” in line 2. There is insufficient antecedent basis for this term.

1.4. Claim 21 recites the terms, “the face of the upper portion” and “to a front wall of the refuse storage container” in lines 2-3. There is insufficient antecedent basis for this term.

### **II. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claim(s) 1-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL (US 5,123,801 A) in view of DURANT (US 4,460,307 A) and PELLEGRINI (US 5,116,184 A).

1.1. With respect to claims 1-5 O'DANIEL discloses a container (21), mounted to a vehicle (11), divided into multiple compartments (e.g., 41), having an opening (33), a divided trough (79) having an opening on the tailgate (23), a fore/aft moving packer (99), plurality of lower blades (85) each corresponding to a receptacle, an actuation system (Fig. 3-4), linkage (Fig. 7a-d), and dual walls between each receptacle (Fig. 6). O'DANIEL fails to teach a unitary upper blade. DURANT teaches a unitary upper blade (74). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL with the unitary upper blade of DURANT in order to simplify actuation. O'DANIEL fails to teach the trough divided internally. PELLEGRINI teaches a trough divided internally (32). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL with the internally divided trough of PELLEGRINI in order to isolate various materials.

2. Claim(s) 6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL in view of DURANT and PELLEGRINI and further in view of SCHREIBER (US 6,435,802 B1).

2.1. With respect to claim 6, O'DANIEL fails to teach a movable divider that can fit within the slot. SCHREIBER teaches a movable divider (12) within a slot (23). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL in

view of DURANT and PELLEGRINI with the movable divider in the slot of SCHREIBER in order to facilitate changing dimensions of the container.

3. Claim(s) 7-10 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL in view of PELLEGRINI.

3.1. With respect to claims 7-10, O'DANIEL discloses a container (21), mounted to a vehicle (11), divided into multiple compartments (e.g., 41), having an opening (33), a divided trough (79), removable vertical barrier (43), packer (99), and a tunnel like internal compartment (41). O'DANIEL fails to teach the compartment having a height lower than another compartment and the trough internally divided. PELLEGRINI teaches the height of one compartment lower than the height of another compartment (Fig. 2A) and a trough divided internally (32). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL with the height variation of PELLEGRINI in order to apportion compartment space according to the projected volume of each material to be collected. It would have been obvious to one of ordinary skill in the art to modify O'DANIEL with the internally divided trough of PELLEGRINI in order to isolate various materials.

4. Claim(s) 11-15 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL in view of PELLEGRINI and further in view of MEZEY (US 5,035,563 A).

4.1. With respect to claims 11-14, O'DANIEL fails to disclose a liquid collection means. MEZEY teaches a liquid storing container (378), sump, collecting tray, (bottom of 378), and transverse tray (374). It would have been obvious to one of ordinary skill in

the art to modify O'DANIEL with the liquid collection means of MEZEY in order to facilitate isolation and collection of liquid waste.

4.2. With respect to claim 15, O'DANIEL additionally discloses a frame, cross members and two lengthwise members (Fig. 1).

5. Claim(s) 16 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL in view of PELLEGRINI and MEZEY and further in view of HODGINS (US 5,352,084 A).

5.1. With respect to claim 16, O'DANIEL fails to disclose apertures in a cross member in communication with lengthwise members. HODGINS teaches apertures (56) in cross member (58) communicating with lengthwise members (44). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL in view of PELLEGRINI and MEZEY with the apertures of HODGINS in order to facilitate communication of the cross and lengthwise members.

6. Claim(s) 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL in view of PELLEGRINI and further in view of FOSTER (US 5,547,067 A)

6.1. With respect to claim 18, O'DANIEL fails to teach a reciprocating conveyor. FOSTER teaches it is well known in the art to use a reciprocating conveyor in garbage collection vehicles (Col. 1). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL in view of PELLEGRINI with the reciprocating conveyor of FOSTER in order to facilitate manipulation of cargo.

7. Claim(s) 19-21 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over O'DANIEL in view of PELLEGRINI.

7.1. With respect to claims 19-21, O'DANIEL discloses a container (21), mounted to a vehicle (11), divided into multiple compartments (e.g., 41), having an opening (33), a divided trough (79), vertical barrier (43), packer (99), movable barrier (45) having a face parallel to a front wall of the refuse container, and ram (51). O'DANIEL fails to teach the trough divided internally. PELLEGRINI teaches a trough divided internally (32). It would have been obvious to one of ordinary skill in the art to modify O'DANIEL with the internally divided trough of PELLEGRINI in order to isolate various materials.

### **III. Allowable Subject Matter**

1. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

1.1. With respect to claims 17 the following is a statement of reasons for the indication of allowable subject matter:

1.2. While the prior art discussed above teaches or renders obvious the claimed refuse collection system, the art of record does not teach combining such a system with the claimed cleaning means that includes the unique feature of a frame having a cross member having a first aperture and lengthwise member having a second aperture and slits, wherein liquid is sprayed into the first aperture and distributed through the second aperture and slits into the collecting tray in combination with the rest of the claim language.

### **IV. Conclusion**

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1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG

 1/9/06  
**DEAN J. KRAMER**  
**PRIMARY EXAMINER**